



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BYRON ORCELLANO,

Defendant.

No. CR 08-799-1

ORDER OF DETENTION

I.

- A. ( ) On motion of the Government involving an alleged
1. ( ) crime of violence;
  2. ( ) offense with maximum sentence of life imprisonment or death;
  3. ( ) narcotic or controlled substance offense with maximum sentence of ten or more years;
  4. ( ) felony - defendant convicted of two or more prior offenses described above.

1 B. On motion (☒) by the Government/ ( ) on court's own motion

2 1. (☒) serious risk defendant will flee;

3 2. ( ) serious risk defendant will

4 a. ( ) obstruct or attempt to obstruct justice;

5 b. ( ) threaten, injure or intimidate a  
6 prospective witness or juror or attempt to  
7 do so.

8 C. The Government (☒) is/ ( ) is not entitled to a rebuttal  
9 presumption that no condition or combination of conditions  
10 will reasonably assure defendant's appearance as required  
11 and the safety of any person or the community.

12  
13 II.

14 The court has considered:

15 A. the nature and circumstances of the offense;

16 B. the weight of evidence against the defendant;

17 C. the history and characteristics of the defendant;

18 D. the nature and seriousness of the danger to any person or  
19 the community.

20  
21 III.

22 The court has considered all the evidence adduced at the  
23 hearing and the argument or statements of counsel.

24  
25 IV.

26 A. The court finds that no condition or combination of  
27 condition will reasonably assure:  
28

1. ☒ the appearance of defendant as required;
2. ☒ the safety of any person or the community.

B. The court bases its foregoing findings on the following:

1. ☒ Flight Risk: citizen of Canada; all assets  
in Canada. large quantity of Arms involved.  
insufficient bail papers
2. ☒ Danger: nature of charge
3. ☒ See the report/memorandum of Pre-Trial Services;
4. ☒ Defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

V.

The court finds and concludes that a serious risk exists that defendant will:

- A. ☐ obstruct or attempt to obstruct justice;
- B. ☐ threaten, injure or intimidate a witness/juror;
- C. ☐ attempt to threaten, injury or intimidate a witness/juror

Because \_\_\_\_\_

☐ See also the report/memorandum of Pre-Trial Services.

VI.

IT IS ORDERED that defendant be detained prior to trial.

IT IS FURTHER ORDERED that the defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or persons held pending appeal.

IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.

DATED: \_\_\_\_\_

7/18/08



VICTOR B. KENTON  
UNITED STATES MAGISTRATE JUDGE